

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------------|---|---|
| LEONARD C. JEFFERSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 04-044E |
| V. |) | |
| |) | Judge Sean J. McLaughlin |
| Superintendent WILLIAM WOLFE; |) | Mag. Judge Susan Paradise Baxter |
| SECRETARY JEFFREY A. BEARD; |) | |
| GLENN McQUOWN; PATRICIA |) | |
| GAMBLE; MICHAEL SNYDER; |) | |
| PATRICIA McKISSOCK; UNIT |) | |
| MANAGER TIMOTHY HAMETZ; |) | |
| CHIEF GRIEVANCE CORD. THOMAS |) | |
| L. JAMES; SHARON M. BURKS; |) | |
| BARRY LOBDELL; C.O. CLEMENT; |) | |
| IVORY BARNETT; ZACHARY |) | |
| MOSLAK, |) | |
| |) | |
| Defendants. |) | Electronically Filed |

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S THIRD AMENDED COMPLAINT**

AND NOW, come the defendants, William Wolfe, Jeffrey A. Beard, Glenn McQuown, Patricia Gamble, Michael Snyder, Patricia McKissock, Timothy Hametz, Thomas L. James, Sharon M. Burks, Barry Lobdell, C.O. Clement, Ivory Barnett, and Zachary Moslak, by their attorneys, Thomas W. Corbett, Jr., Attorney General, Christian D. Bareford, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, and respectfully move to dismiss Plaintiff's Third Amended Complaint for the following reasons:

1. Plaintiff has failed to state a claim upon which relief can be granted pursuant to Fed.R.Civ.P. 12(b)(6).

2. Plaintiff's First Amendment free exercise, religious anti-establishment clause, and 2002 retaliatory misconduct claims are barred by the applicable statute of limitations.

3. Plaintiff has failed to allege personal involvement against defendants Wolfe, Beard, McKissock, Hametz, James, Burks, Moslak, and Barnett.

4. A brief in support is incorporated by reference.

Respectfully submitted,

Thomas W. Corbett, Jr.
Attorney General

BY: /s/ Christian D. Bareford
CHRISTIAN D. BAREFORD
Deputy Attorney General
PA I.D. No. 83982

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

(412) 565-7680

Date: October 24, 2005